

6305-12  
RECORDATION NO. \_\_\_\_\_ Filed & Recorded

DEC 30 1971 - 12 00 PM

INTERSTATE COMMERCE COMMISSION

### AMENDMENT

Dated as of December 1, 1971

to

### LEASE OF RAILROAD EQUIPMENT

Dated as of July 15, 1971

AMENDMENT dated December 1, 1971, to Lease of Railroad Equipment dated as of July 15, 1971 (hereinafter called the Lease of Railroad Equipment) between Elgin, Joliet and Eastern Railway Company, an Indiana and Illinois corporation (hereinafter called the Lessee), and First Western Bank and Trust Company, a California banking corporation (hereinafter called the Lessor), as Trustee under a Trust Agreement dated as of July 1, 1971 with The First National Bank of Saint Paul.

WHEREAS, under the Lease of Railroad Equipment the Lessor agrees to lease to the Lessee and the Lessee agrees to lease from the Lessor the 200 Center Dump Hopper Cars covered thereby and described in Schedule A thereto (hereinafter called the Equipment); and

WHEREAS, the Lessor and Lessee agree that each unit of Equipment covered by the Lease of Railroad Equipment shall have a capacity of 77 tons notwithstanding the fact that the Lease of Railroad Equipment presently describes the Equipment as having a capacity of 55 tons;

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements hereinafter set forth, the parties hereto do hereby agree as follows:

1. The description of the Equipment appearing on the cover of the Lease of Railroad Equipment is hereby changed from "[Covering 200 55-ton Center Dump Hopper Cars]" to "[Covering 200 77-ton Center Dump Hopper Cars]".


2. The description of the Equipment appearing in Schedule A to the Lease of Railroad Equipment under the caption "Type" is hereby changed from "55-ton Center Dump Hopper Cars" to "77-ton Center Dump Hopper Cars".

3. The Lease of Railroad Equipment remains unchanged in all other respects.

IN WITNESS WHEREOF, the parties hereto, each pursuant to due corporate authority, have caused this instrument to be executed as of the date first above written.

FIRST WESTERN BANK AND TRUST  
COMPANY, as Trustee under a Trust  
Agreement dated as of July 1, 1971,  
as Lessor

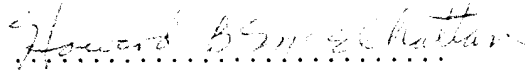
by



Vice President

[CORPORATE SEAL]

Attest:



Assistant Secretary

ELGIN, JOLIET AND EASTERN RAILWAY  
COMPANY, as Lessee

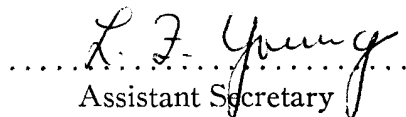
[CORPORATE SEAL]

by



Vice President—Finance

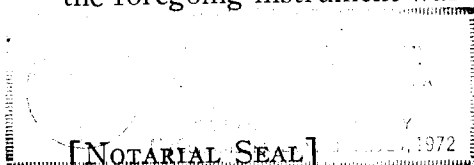
Attest:



Assistant Secretary

STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO } ss.:

On this 23 day of December, 1971, before me personally appeared HICAR A. CAMPFIELD, to me personally known, who, being by me duly sworn, says that he is Vice President of FIRST WESTERN BANK AND TRUST COMPANY, that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.



*[Signature]*  
Notary Public

My commission expires

COMMONWEALTH OF PENNSYLVANIA } ss.:  
COUNTY OF ALLEGHENY

On this 28<sup>th</sup> day of December, 1971, before me personally appeared V.W. Kraetsch, to me personally known, who, being by me duly sworn, says that he is Vice Pres. Finance of ELGIN, JOLIET AND EASTERN RAILWAY COMPANY, that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.

*[Signature]*  
Notary Public

[NOTARIAL SEAL]

My commission expires